

1 The Honorable Christopher M. Alston
2 Chapter 11
3 Hearing Date: Friday, February 9, 2018
4 Hearing Time: 9:30 am
5 Hearing Location: Seattle, Rm. 7206
6 Response Date: February 5, 2018
7

8 In re
9
10 NORTHWEST TERRITORIAL MINT, LLC,
11
12 Debtor.
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15 UNITED STATES BANKRUPTCY COURT
16 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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18

19 Case No. 16-11767-CMA
20 DECLARATION OF GARY
21 MARKS IN SUPPORT OF
22 LIMITED OBJECTION TO
23 TRUSTEE'S SALE
24

25 I, Gary B. Marks, declare under penalty of perjury pursuant to the laws of the state of
26 Washington as follows:

1. I am an artist residing in Lebanon, Oregon who practices in the area of
2
3 medallic art.

4. I was a member (2007-2015) and past Chairman (2010-2015) of the Citizens'
5 Coinage Advisory Committee ("CCAC") to the United States Mint. The CCAC is the U.S.
6 Mint's design review committee which reviews and recommends all designs appearing on the
7 United States coins, national medals and Congressional Gold Medals. I was appointed by
8 Secretary of the Treasury John Snow (2007) and reappointed by Secretary of the Treasury
9 Timothy Geithner (2011).

10 Declaration of Gary Marks In
11 Support of Limited Objection to Trustee's
12 Sale Motion - 1

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1 3. As part of my personal artistry, I create designs that are turned into limited
2 edition art medals that are minted in Silver, Gold or Platinum.

3 4. For me, and others in the industry, creating a custom coin or medal is a three
4 part process. First, an artist like myself creates a designs digitally or manually on paper.
5 Typically, designs are created for both the obverse (heads side) and reverse (tails side) of a
6 coin or medal. Second, the artist contracts with a bas relief sculptor to create a 3D sculptures of
7 the images. Third, the artist provides the sculptures to a mint such as the Northwest Territorial
8 Mint (“NWTM” or the “Mint”) to create the dies and ultimately strike and mint the coins or
9 medals.

10 5. I have 7 dies created in this manner that should be stored at the MWTM. In
11 each case I provided all of the artwork and sculptures for the dies, and paid for the dies
12 themselves.

13 6. Attached hereto as Exhibit A is an Invoice and proof of payment for two dies
14 dated January 5, 2017. The Dies are identified as Part Nos. N 1 71 and N 1 72, 39mm, “2005
15 Royal Cat 2015” and “Marksova – 1 oz. 999 AG”. I paid \$700 for each die.

16 7. Attached hereto as Exhibit B is an Invoice and proof of payment for two dies
17 dated February 17, 2017. The Dies are identified as Part Nos. N 2 7 and N 2 8, 39mm,
18 “Don’t Tread On Me Live Free” and “Liberty or Death 2017”. I paid \$700 for each die.

19 8. Attached hereto as Exhibit C is an Invoice and proof of payment for three
20 dies dated April 5, 2017. The Dies are identified as Part Nos. N 3 13, N 3 14 and N 3 17, 39
21 mm, “John F. Kennedy Birth Centennial 1917-2017”, “Eagle - We Shall Pay Any Price” and
22 “HRM Laurelei Ann I”. I paid \$700 for each die.

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26 Declaration of Gary Marks In
 Support of Limited Objection to Trustee’s
 Sale Motion - 2

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1 9. In each case I purchased the dies and understood they would be "Stored" for
2 me at NWTM. I allowed them to be stored for convenience in the event I wanted additional
3 coins struck.

4 10. The first dies I had created by Northwest Territorial Mint were in
5 approximately 2004. In that case I acted in the capacity of the Chairperson of the Whitefish
6 Centennial Committee and, additionally, as a medallist artist I designed a commemorative
7 medal for the Whitefish Centennial Celebration. I used a similar process as above, however,
8 in this case, I supplied designs to the mint and they contracted with a bas relief sculptor.
9 After the limited edition commemorative medals were minted, and knowing that no more
10 Whitefish Centennial Medals could be minted, I asked for and received the reverse (tails
11 side) die for the Whitefish Medals. It was never requested, and I did not pay, on behalf of the
12 Centennial Committee, any additional fee for the Mint to send me "my" die reflecting "my"
13 design. Attached as Exhibit D are pictures of the die sent to me from the mint on request.
14 However, the Mint may still have the die for the obverse side (heads side) of the Whitefish
15 Centennial Medal I designed, although I was told at the time when I asked for that die that
16 they could not locate it. Exhibit D, page 5.

17 11. I am also aware of a third party who commissioned and paid for the artwork,
18 sculpts and dies, who on two different occasions asked for and received their dies upon
19 request from NWTM. To my knowledge it is only recently, and for the first time, that
20 NWTM has indicated that it has a property interest in the dies. In fact, on January 22, 2018, I
21 received an email from Debi Davis, a Custom Sales Assistant for the Mint, who for the first
22 time suggested that the Mint claimed an ownership interest in my dies. See Exhibit E.

23 12. Prior to January 22, 2018, marketing material and sales material of the Mint
24 has always indicated that the custom dies belonged to me. Attached as Exhibit F is
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Support of Limited Objection to Trustee's
Sale Motion - 3

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1 marketing email from NWTM. It is captioned "WE'VE GOT YOUR DIES". It further
2 states "WE HAVE YOUR ASSETS AND WE'RE READY TO USE THEM" and "Let's use
3 **your** dies to mark your accomplishments since!" and "**Your** dies are among the 309,405 we
4 have meticulously archived, some dating back to the earliest years of the 20th century."

5 13. On its website, the Medallic Art Company proudly displays its library of dies.
6 See Exhibit G. It indicates that its library goes back to 1903 and asserts that "your dies are
7 safe in our state-of-the-art die library."

8 14. In 2017 I paid \$4900 to NWTM for my dies. I do not recall how much the
9 Whitefish Centennial Committee was charged in 2004 for the Whitefish Medals dies.

10 15. Additionally, I am owed a refund of \$1,227.50 for orders I made in November
11 of 2017 for additional coins using my dies. In November and December, 2017 I paid \$3,500
12 toward purchase order 194430. On December 15, 2017 I received a partial delivery
13 representing a value of \$2,272.50. On January 19, 2017 I received notification that the
14 remainder of my order would not be shipped. As a result, I am owed a balance of \$1,227.50.
15 Attached as Exhibit H is Invoice 194430 and proof of payment.

16 16. Between 2013 and 2015 I worked with BEX Minting and Engraving in
17 Fullerton, California to mint my medallic art. In late 2015 I became concerned with quality
18 control issues at BEX and decided to change minting companies. At that time, I requested
19 and received all of my dies from BEX that were created between 2013 and 2015.

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Declaration of Gary Marks In
Support of Limited Objection to Trustee's
Sale Motion - 4

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17. In 2016, I designed a challenge coin for the Lebanon Fire Department. The Lebanon Fire Department provided the Sculpt to NWTM and paid \$1400 for the dies, identified as Part Nos. M 11 91 and M 11 92 "Lebanon Fire District Fireman" and "Lebanon Fire District Eagle". A copy of the invoice and proof of payment is attached as Exhibit I.

SIGNED this 5th day of February, 2018 at Lebanon, Oregon.

/s/ Gary B. Marks
Gary B. Marks

Declaration of Gary Marks In
Support of Limited Objection to Trustee's
Sale Motion - 5

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